

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:08cr3**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>2:08cr2</b>
	)	
<b>NICHOLAS BRYSON.</b>	)	
<hr/>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>2:08cr3</b>
	)	
<b>NORMAN McCOY.</b>	)	
<hr/>	)	

**THIS MATTER** is before the court upon appellants' Motion for Bond Pending Appeal and upon direct referral of such motion by the district court. Having considered such motion and it appearing that appellants are, as a matter of law, entitled to a stay of their sentence of imprisonment pending appeal where they were released on their own recognizance to self report, the motion will be granted. Finding appellants earlier promises to appear to be sufficient, no further bond will be required. Fed.R.Crim.P. 58(g)(3) & 38(b)(1).

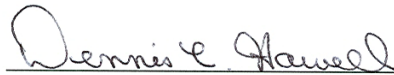
## ORDER

**IT IS, THEREFORE, ORDERED** that:

- (1) appellants' Motion for Bond Pending Appeal (#3) is **DEEMED** to be a Motion to Stay Sentence Under Rule 38(b)(1);
- (2) appellants' Motion to Stay Sentence Under Rule 38(b)(1) is **ALLOWED**;
- (3) the sentences imposed upon the violations underlying the above captioned cases are **STAYED** pending resolution of their appeals; and
- (4) no further bond from these defendants is required.

The Clerk of this court shall deliver a copy of this Order to the United States Marshal so that the space reserved for these defendants on February 6, 2008, may be released for other needs.

Signed: February 5, 2008



Dennis L. Howell  
United States Magistrate Judge

